

Before the Court is the Recommendation of United States Magistrate Judge Stephen Hyles. Doc. 68. The United States Court of Appeals for the Eleventh Circuit remanded this matter to this Court for determination of when the Plaintiff filed his Notice of Appeal. Doc. 50. The Court then referred the matter to the Magistrate Judge to make that factual finding. Doc. 64. The Magistrate Judge determined that the Plaintiff filed his Notice of Appeal, at the earliest, on approximately March 5, 2017, which was outside of the thirty days for filing an appeal, and thus the Magistrate Judge determined the notice was untimely filed. Doc. 68 at 6. The Plaintiff filed a motion to reconsider the Magistrate Judge's Recommendation. Doc. 69. The Court construes that motion as an objection to the Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court.

The Plaintiff's "Motion for Leave to Proceed with This Appeal" (Doc. 54); "Motion for Request of Final Disposition" (doc. 62); and "Motion for Open Court Hearing" (Doc. 66) are **DENIED as moot**. Additionally, since entry of the Magistrate Judge's Report and Recommendation, the Plaintiff has moved for leave to proceed in forma pauperis. Doc. 71. Because judgment has been entered in this case and the only remaining issue is when the plaintiff filed his notice of appeal, the Plaintiff's motion for leave to proceed IFP is **DENIED as moot**. To the extent the Plaintiff's motion to proceed IFP is intended to serve as a motion for leave to appeal IFP, the motion is **DENIED**. The Plaintiff has already filed such a motion (Docs. 45, 46), and the Court found the appeal was not brought in good faith and denied the motion. Doc. 53 at 3. In his current motion, the Plaintiff provides no reason to reconsider that finding.

SO ORDERED, this 23rd day of January, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT